

REMARKS**Status of the Claims**

Applicants respectfully request reconsideration of the instant application in view of the above amendments and the following remarks. Upon entry of this Amendment, claims 1-28 are pending in this application. Claim 1 has been amended. These changes are believed to introduce no new matter. Entry and consideration of this Amendment are respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-3 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,909,283 to Eselun ("Eselun"). Applicants respectfully request that these rejections be withdrawn for the following reasons.

Independent claim 1 is directed to a displacement detecting apparatus. This apparatus includes a reflection scale. As amended, claim 1 recites that "said reflection scale reflects the light beam at least twice to split the light beam to a beam incident into said light sensing device and a light beam which is not incident into said light sensing device." This feature is neither taught nor suggested by Eselun. In contrast, Eselun discloses that the light beam is reflected to two directions by a scale, but fails to show that the light beams is reflected twice. Accordingly, Applicants respectfully request that the rejection of claim 1 (as well as its dependent claims 2-3) be withdrawn.

Claims 1-7 and 9-10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,534,693 to Kondo et al ("Kondo"). Withdrawal of this rejection is respectfully requested. Independent claim 1 recites "an illumination system which applies a divergent light beam from a light-emitting device." This feature is not disclosed by Kondo. In contrast, Kondo discloses a laser. Claims 2-7 and 9-10 depend from claim 1. Accordingly, Applicants request that this rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 8 and 11-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo. Claims 8 and 11-28 depend from claim 1 and recite additional features. The Examiner

alleges that these features are obvious over Kondo. However, notwithstanding the merits of these allegations, the Kondo fails to teach or suggest a divergent light beam, as set forth above with respect to claim 1. Accordingly, Applicants request that this rejection be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4822.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4822.

Respectfully submitted,
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